SIKKIM

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GOVERNMENT OF SIKKIM
DEPARTMENT OF PERSONNEL, ADM. REFORMS & TRAINING
GANGTOK.

No. 158/GEN/DOP **Dated: 24.2.2004.**

NOTIFICATION

In exercise of powers conferred by the proviso to Article 309 read with Articles 233 and 234 of Constitution of India, the Governor of Sikkim in consultation with the High Court of Sikkim is hereby pleased to make the following rules to regulate the recruitment of Judicial Officers in the State on adhoc and purely on temporary basis exclusively for implementation of the recommendation of 11th Finance Commission for upgradation of Judicial Administration under upgradation grant for elimination of old pending cases, namely:-

Short title and Commencement 1. (1) These rules may be called the Sikkim Judicial Service (Special Scheme) Rules, 2004.
(2)They shall come into force on the date of their publication in the official Gazette.

Definitions : 2. In these rules, unless the context otherwise requires:-
(a) "Committee" means the committee of the Judges of High Court constituted by the Chief Justice;
(b) "Government" means the State Government of Sikkim;
(c) "Governor" means the Governor of Sikkim;
(d) " High Court" means the High Court of Sikkim;
(e) "Scheme" means the scheme for elimination of arrears in Subordinate Courts sponsored by the Central Government.

Appointment : 3. Notwithstanding anything contained in the Sikkim Superior Judicial Service Rules, 1980 and Sikkim Judicial Service Rules, 1975 the appointment of District Judges on adhoc and purely temporary basis for implementation of the Scheme will be made under these rules.

Terms and conditions : 4. (1) The appointments made under these rules shall be purely on adhoc and temporary basis.
(2) The appointments shall be made initially for a period of one year and shall be liable to be terminated at any time without any prior notice.
(3) During the term of such appointment the appointees will be under the administrative and disciplinary control of the High Court.

Eligibility : 5. (1) The appointment of District Judges on adhoc and purely temporary basis shall be made by the Governor on recommendation of the High Court from amongst;
(a) retired District Judges; or

(b) in-service Chief Judicial Magistrates who are otherwise eligible to be promoted as District and Sessions Judge as provided in the Sikkim Superior Judicial Service Rules, 1980.

(2) District Judges retired in the year 1990 or thereafter on attaining the age of superannuation or on voluntary retirement shall be eligible to be considered for such adhoc appointments subject to fitness and suitablility:

Provided that the Officers who sought Voluntary retirement after initiation of departmental enquiry against them shall not be eligible to be considered for such adhoc appointments.

(3) The selection of such candidates for adhoc appointments shall be made by a Committee.

Appointment of in service Judicial Officers :

6. (1) The selection of in-service Judicial Officers for adhoc appointments under this Scheme shall be based on scrutiny of their judgments and their service records.

(2) The selections shall be made on the basis of seniority-cum-merit.

Promotion :

7. An in-service Judicial Officer shall not claim regular promotion in the regular cadre on the basis of his/her appointment made under this Scheme.

8. No Judicial Officer who was dismissed, removed compulsorily retired or made to seek retirement shall be considered for appointment under this Scheme.

Pay and other Allowances :

9. On appointment under the Scheme as District Judge, the retired Judge shall be entitled to receive pay and allowances at the rate he/she was drawing at the time of retirement minus pension received by him/her under the pension rules applicable to him/her;

Provided that his/her pay shall be fixed at the minimum of the revised scale of Pay and D.A. as admissible effect from 1.1.1996, in case pay scales have been revised after his/her retirement.

By order and in the name of the Governor.

C.L. Sharma
Additional Secretary to the Government,
Department of Personnel, ADM. Reforms & Training.

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